



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

April 6, 2006

Mr. Thomas Macchiarella
BRAC Environmental Coordinator
Department of the Navy
Base Realignment and Closure
Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

- (A) FIRST STATUTORY FIVE-YEAR REVIEW OF REMEDIES IMPLEMENTED FOR PCB AND CADMIUM IMPACTED SHALLOW SOILS AT INSTALLATION RESTORATION SITE 02, FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND, ALAMEDA FACILITY/ALAMEDA ANNEX, ALAMEDA, CALIFORNIA
- (B) FIRST STATUTORY FIVE-YEAR REVIEW OF REMEDIES IMPLEMENTED FOR MARSH CRUST AT FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND, ALAMEDA FACILITY/ALAMEDA ANNEX, AND MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT, ALAMEDA, CALIFORNIA

Dear Mr. Macchiarella:

The Department of Toxic Substances Control (DTSC) has received the redlined version of the above-mentioned reports dated March 2006 and the Responses to Comments dated March 20, 2006. DTSC issued comment letters on previous draft reports on October 27, 2005 and February 22, 2006. DTSC has reviewed the redlined reports and the responses. The remaining issues are as follows:

1. Approval Authority: DTSC asserts approval authority on the Five-Year Review Reports. Please include the following signatory in the report approval sheets:

Anthony J. Landis, P.E.
Chief, Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control

2. Threshold Depth: The Remedial Action Plan/Record of Decision for the marsh crust at the former Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex (FISCA) and marsh crust and subtidal area at the Alameda Point selected institutional controls as remedy. Such controls include environmental restrictions in a deed, Covenant to Restrict Use of Property, and the City of Alameda's Ordinance Number 2824. The remedy generally relies on Ordinance Number 2824 that requires a permit, hence proper soil management, for any excavation deeper than certain location dependent "threshold depth."

The figure attached with Ordinance Number 2824 shows the threshold depths (in feet below ground surface) beyond which an excavation permit is required. The figure identifies areas with threshold depths of 15, 10, and 5 feet below ground surface. The figure also depicts areas where a permit would apply for excavation deeper than the mean higher high tide. Most of the Bayport homes are located in areas with a threshold depth of mean higher high tide.

The U.S. Geological Survey defines "mean higher high tide" as the average height of the higher of two unequal daily high tides over 19 years. DTSC believes the term "mean higher high tide" is unclear to the public and the City's building officials. Landowners and occupants at properties identified with a threshold depth of mean higher high tide would have difficulty in discerning whether Ordinance Number 2824 applies.

Since the threshold depth of mean higher high tide is not likely to change significantly within the five-year review timeframe, the City of Alameda should amend the Ordinance Number 2824 figure to specify the actual depth below the current ground surface beyond which an excavation permit is required. To account for future land alteration, the Ordinance Number 2824 figure should also include elevations referenced to the Alameda Datum for all corresponding threshold depths. Such specification would afford the City's building officials, property owners, and occupants immediate knowledge of whether an excavation permit is required for a proposed subsurface intrusion.

DTSC reiterates that the marsh crust remedy (i.e., Ordinance Number 2824) as written is very difficult to interpret and enforce, and is therefore not effective. The Navy adopted this ordinance as the marsh crust remedy and the burden is with the Navy to work with the City of Alameda to ensure remedy effectiveness. Until the City of Alameda modified Ordinance Number 2824 as requested in this letter, DTSC would not be able to approve the Marsh Crust Five-Year Review Report.

Mr. Thomas Macchiarella
April 6, 2006
Page 3

If you have any question, please contact me at (510) 540-3770.

Sincerely,

A handwritten signature in black ink, appearing to read 'Henry Wong', with a long horizontal stroke extending to the right.

Henry Wong
Remedial Project Manager
Office of Military Facilities

cc: Mr. Greg Lorton
Lead Remedial Project Manger
Department of the Navy
Base Realignment and Closure
Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Mr. Lou Ocampo
Remedial Project Manger
Department of the Navy
Base Realignment and Closure
Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Ms. Dot Lofstrom
Remedial Project Manager
Office of Military Facilities
Sacramento Regional Office
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Judy Huang
Remedial Project Manger
California Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

Mr. Thomas Macchiarella
April 6, 2006
Page 4

Ms. Anna-Marie Cook
Remedial Project Manager
U.S. Environmental Protection Agency
Region IX
Federal Facilities Cleanup Branch
75 Hawthorne Street, (SFD-8-2)
San Francisco, California 94105

Ms. Debbie Potter
Base Reuse and Redevelopment Manager
City of Alameda
Development Services Department
Alameda Point Main Office
950 West Mall Square
Alameda, California 94501

Mr. Peter Russell
Russell Resources, Inc.
440 Nova Albion Way, Suite 1
San Rafael, California 94903-3634

Mr. Phil Owen
Catellus
1999 Harrison Street, Suite 2150
Oakland, California 94612

Mr. Mike Quillin
Principal
Environmental Resources Management
1777 Botelho Drive, Suite 260
Walnut Creek, California 94596

Mr. Omer I. Kadaster
Executive Engineer
Brown and Caldwell
400 Exchange, Suite 100
Irvine, California 92602